

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO  
CINCINNATI DIVISION

NICHOLAS NAZAROVECH

Plaintiff

vs.

AMERICAN ELITE RECOVERY, LLC,  
MARK M. MILLER, and  
JOHN DOES 1-10

Defendants

CIVIL CASE NO.:

1:18-CV-00836-TSB

THE HONORABLE

UNITED STATES DISTRICT JUDGE

TIMOTHY S. BLACK

**DECLARATION OF BRENDAN H. LITTLE**

I, Brendan H. Little, pursuant to 28 U.S.C. § 1746, declare the following:

1. I am over the age of eighteen (18) years, a citizen of the United States of America, and a resident of the State of New York.
2. I have personal knowledge to testify to the matters stated in this Declaration.
3. I am a partner with the law firm of Lippes Mathias Wexler Friedman LLP.
4. I am duly licensed and admitted to the bars in the State of New York, Commonwealth of Massachusetts, and Commonwealth of Pennsylvania. I am a member of each bar in good standing.
5. I submit this Declaration in support of Gingo Palumbo Law Group LLC's motion to withdraw as counsel for Defendants, American Elite Recovery, LLC and Mark M. Miller (collectively, the "Defendants") in the instant matter.
6. In March 2019, I contacted Michael J. Palumbo, Esquire of Gingo Palumbo Law Group LLC to act as local counsel in this action.
7. Despite Defendants executing an engagement with my firm, Defendants have failed to live up to the financial terms of the engagement.
8. On March 15, 2019, March 21, 2019, April 1, 2019, April 28, 2019, April 30, 2019, May 15, 2019 and May 23, 2019, I sent email communication to Defendants, which

provided them reasonable opportunity to fulfill an obligation, financial or otherwise, to my Firm regarding my Firm's services. On multiple occasions from March 2019 through May 2019, I left voicemail messages with Defendants inquiring whether Defendants would honor the terms of my firm's engagement. Defendants failed to perform their financial obligation.

9. While Defendants have responded to my emails, Defendants have failed to honor the financial terms of the engagement.
10. The continued representation of Defendants will result in an unreasonable financial burden on my Firm.
11. On May 28, 2019, I asked Michael J. Palumbo, Esquire to apply to this Court for permission to withdraw as counsel of record for Defendants.
12. Given that this matter is still in its infancy, it is respectfully submitted that my firm's withdrawal will not prejudice the Defendants.
13. Accordingly, I respectfully request that (a) this Court grant Gingo Palumbo Law Group LLC's motion to withdraw as counsel of record on behalf of Defendants, and (b) said Defendants be provided 60 days to obtain successor counsel.
14. Under penalties provided by law, I certify that the aforesaid statements are true and correct to the best of my information, knowledge and belief.

DECLARANT:  
BRENDAN H. LITTLE, ESQUIRE

*s/ Brendan H. Little*

---

By: Brendan H. Little

CERTIFICATE OF SERVICE

The undersigned attorney for Defendants, American Elite Recovery, LLC and Mark M. Miller, certifies the following:

1. The ***Declaration of Brendan H. Little*** was electronically filed on the date above through the CM/ECF Filing System of the United States District Court for the Southern District of Ohio (Cincinnati Division).
2. The Parties appearing on the Notice of Electronic Filing, and as noted below, may access the foregoing and aforesaid pleading through the CM/ECF system:

Anthony J. Gingo, Esquire, anthony@gplawllc.com  
Jonathan L. Hilton, Esquire, jhilton@hiltonparker.com  
Michael J. Palumbo, Esquire, michael@gplawllc.com

3. A true and accurate copy of the foregoing pleading was served on the date above via UPS second day delivery and United States regular mail, postage prepaid, upon the following:

UPS Tracking #1Z 52X 6X7 35 9827 1411  
USPS Certified Mail Article #7017-2620-0000-9470-4960  
American Elite Recovery, LLC  
1561 Kenmore Avenue, Buffalo, New York 14217

UPS Tracking #1Z 52X 6X7 35 9158 8280  
USPS Certified Mail Article #7017-2620-0000-9470-4977  
Mark M. Miller  
1561 Kenmore Avenue, Buffalo, New York 14217

*s/ Michael J. Palumbo*

---

Michael J. Palumbo, Esquire  
Anthony J. Gingo, Esquire  
*Counsel for Defendants, American Elite Recovery,  
LLC and Mark M. Miller*